

CIVIL COVER SHEET

I. (a) PLAINTIFFS

Phyllis J. King

DEFENDANTS

Federal Bureau of Investigation

BZ

(b) County of Residence of First Listed Plaintiff San Mateo
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

Phyllis J. King
527 Vista Mar Avenue
Pacifica, CA 94044

In Pro Per (650) 355-0371

Joann M. Swanson (415) 436-6855
U.S. Attorney's Office
450 Golden Gate Ave., PO Box 36055
San Francisco, CA 94103

E-filing ADR

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ 2 U.S. Government Defendant

☐ 3 Federal Question
(U.S. Government Not a Party)

☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff
(For Diversity Cases Only) and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 Insurance		PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture		<input type="checkbox"/> 422 Appeal 28 USC 158		<input type="checkbox"/> 400 State Reapportionment	
<input type="checkbox"/> 120 Marine		<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—	<input type="checkbox"/> 620 Other Food & Drug		<input type="checkbox"/> 423 Withdrawal		<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 130 Miller Act		<input type="checkbox"/> 315 Airplane Product Liability	Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		28 USC 157		<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument		<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 365 Personal Injury — Product Liability	<input type="checkbox"/> 630 Liquor Laws			PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment		<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 640 R.R. & Truck		<input type="checkbox"/> 820 Copyrights		<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act		<input type="checkbox"/> 340 Marine	PERSONAL PROPERTY	<input type="checkbox"/> 650 Airline Regs.		<input type="checkbox"/> 830 Patent		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)		<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 840 Trademark		<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits		<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending		LABOR		SOCIAL SECURITY	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits		<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 710 Fair Labor Standards Act		<input type="checkbox"/> 861 HIA (1395ff)		<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 720 Labor/Mgmt. Relations		<input type="checkbox"/> 862 Black Lung (923)		<input type="checkbox"/> 850 Securities/Commodities/Exchange	
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act		<input type="checkbox"/> 863 DIWC/DIWW (405(g))		<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 740 Railway Labor Act		<input type="checkbox"/> 864 SSID Title XVI		<input type="checkbox"/> 890 Other Statutory Actions	
				<input type="checkbox"/> 790 Other Labor Litigation		<input type="checkbox"/> 865 RSI (405(g))		<input type="checkbox"/> 891 Agricultural Acts	
				<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act				<input type="checkbox"/> 892 Economic Stabilization Act	
								<input type="checkbox"/> 893 Environmental Matters	
								<input type="checkbox"/> 894 Energy Allocation Act	
								<input type="checkbox"/> 895 Freedom of Information Act	
								<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
								<input type="checkbox"/> 950 Constitutionality of State Statutes	

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
28 USC §§ 1441(a), 1441(b), 1441(f), and 1442(a)(1)

Brief description of cause:

Removal of State Court action against the FBI

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 1,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S)
IF ANY**

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE
"NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)
(PLACE AND "X" IN ONE BOX ONLY)☐ SAN FRANCISCO/OAKLAND ☐ SAN JOSE

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

4-10-08

SIGNATURE OF ATTORNEY

JOSEPH P. RUSSONIELLO (CNB 44332)
United States Attorney
JOANN M. SWANSON (CSBN 88143)
Assistant United States Attorney
Chief, Civil Division

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6855
Facsimile: (415) 436-6748
Email: joann.swanson@usdoj.gov

Attorneys for Federal Defendant
Federal Bureau of Investigation

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PHYLLIS J. KING,

Plaintiff,

v.

FEDERAL BUREAU OF
INVESTIGATION,

Defendant.

NO. C-

CV 08

NOTICE OF REMOVAL

BZ

1919

TO: Clerk, Superior Court of California
County of San Francisco
400 McAllister
San Francisco, California 94102-3680

Phyllis J. King - In Pro Per
527 Vista Mar Avenue
Pacifica, California 94044

PLEASE TAKE NOTICE that on this day Case No. CGC 07-470568 pending in the San Francisco County Superior Court is being removed to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §§ 1441(a), 1441(b), 1441(f), and 1442(a)(1) on behalf of federal defendant the Federal Bureau of Investigation. Upon direction by the Attorney General of the United States, the undersigned attorneys hereby present the following facts to the Judges of the United States District Court for the Northern District of California.

NOTICE OF REMOVAL
King v. FBI

1. On December 31, 2007, plaintiff Phyllis King filed a Complaint for Property Damage in the San Francisco County Superior Court. Plaintiff claims that her home has been repeatedly visited by F.B.I. agents, garbage thrown in her back yard, a dead mouse placed in her home, unlawful entry, and her phone reception is not good. Plaintiff seeks damages in the amount of \$1,000,000.00.

2. On March 12, 2008, the Federal Bureau of Investigation was served with a copy of the Summons and Complaint. Copies of the Summons, and Complaint are attached as Exhibit A pursuant to 28 U.S.C. § 1446(a), which constitute the only process, pleading, or order which have been received. No trial has been held in this action.

3. This action must be removed to federal district court under 28 U.S.C. § 1442(a)(1) in that it is a civil action against an agency of the United States. This action may also be removed to federal district court pursuant to 28 U.S.C. § 1441(a), 1441(b), and 1441(f) because original jurisdiction lies in a federal forum under 28 U.S.C. § 1331 (civil actions arising under the Constitution, laws or treaties of the United States), and other applicable authorities.

4. Upon certification by the Attorney General, the action shall be removed to the District Court at any time prior to trial. Pursuant to written delegation from Joseph P. Russoniello, the duly appointed United States Attorney for the Northern District of California, the Chief of the Civil Division has been authorized to exercise on behalf of the United States Attorney the authority vested in him by the Attorney General, pursuant to 28 C.F.R. § 15.3.

5. A copy of this Notice is being filed with the Clerk of the San Francisco County Superior Court. That filing will automatically effect the removal of the action in its entirety to this Court for all future proceedings.

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: April 10, 2008

By:

JOANN M. SWANSON
Assistant United States Attorney

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Federal Bureau Investigation

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Phyllis S. Kinke

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is: *Superior Court of California*
(El nombre y dirección de la corte es): *400 Mc Allister*

San Francisco Ca, 94102

Case No. 08-87-470568

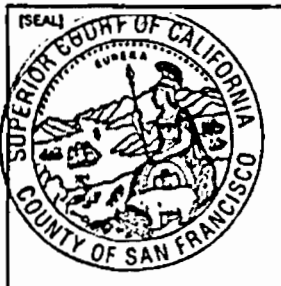
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Phyllis S. Kinke
537 Pacific Ave
San Francisco Ca 94104

GORDON PARK
Juliana C. Bautista
Clerk, by _____, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. ☐ by personal delivery on (date):

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): Phyllis J. Kinca 527 W. 1st Ave Pacifico CA 94044 TELEPHONE NO: (650) 355-0371 FAX NO:		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> San Francisco County Superior Court REC-81 2007 GORDON PARK-LI, Clark BY: <i>[Signature]</i> Deputy Clerk	
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco Ca STREET ADDRESS: 400 McAllister MAILING ADDRESS: San Francisco Ca 94102 CITY AND ZIP CODE: Civil BRANCH NAME:		CASE NAME: Kinca vs Federal Bureau of Investigation	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
JUDGE:		DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DP/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DP/WD (23) Non-P/DP/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DP/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 12/31/07 Phyllis J. Kinca Phyllis J. Kinca
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <i>Phyllis S. King</i> <i>527 Vista Alvarado</i> <i>San Francisco CA 94144</i> TELEPHONE NO: <i>6503550371</i> FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY FILED San Francisco County Superior Court DEC 31 2007 BY: <i>GORDON PARK LI, Clerk</i> CASE MANAGEMENT CONFERENCE SET MAY 30 2008 - 9AM SUPPLEMENTAL DEPARTMENT 212 CASE NUMBER: CBC-87-470568
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <i>San Francisco</i> STREET ADDRESS: MAILING ADDRESS: <i>400 Mc Allister</i> CITY AND ZIP CODE: <i>San Francisco CA. 94102</i> BRANCH NAME: <i>Civil</i>		
PLAINTIFF: <i>Phyllis S. King</i> DEFENDANT: <i>Federal Bureau Investigation</i> <input type="checkbox"/> DOES 1 TO		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		

1. Plaintiff (name or names): *Phyllis S. King*
 alleges causes of action against defendant (name or names): *Federal Bureau Investigation*

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☒ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

b. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☒ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE:

CASE NUMBER:

Kin & VS Federal Bureau Investigation

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
 b. ☐ General Negligence
 c. ☒ Intentional Tort
 d. ☐ Products Liability
 e. ☒ Premises Liability
 f. ☒ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
 b. ☐ loss of use of property
 c. ☐ hospital and medical expenses
 d. ☐ general damage
 e. ☒ property damage
 f. ☒ loss of earning capacity
 g. ☐ other damage (specify):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
 b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
 (2) ☒ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☐ according to proof
 (2) ☒ in the amount of: \$ *1 million dollars (1,000,000)*

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: *12/31/07**Phyllis J. Kincaid*

(TYPE OR PRINT NAME)

Phyllis J. Kincaid

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

Dear Sir or Madam:

Enclosed in this packet, you will find step by step details of the incident that occurred on December 17, 2006 resulting in multiple doctor visits and ultimately left shoulder surgery that I, Phyllis King, had on June 15, 2007. The hand written account of the incident is written as it occurred and papers of copied documents are consistent.

Many questions have entered and never left my mind and at this time, I now ask that they be answered:

1. Why was I laid off pending investigation?
2. Who was investigating me?
3. Why was I being investigated?
4. How is it that Seena Hayapawin continues to work after physically assaulting me twice on the job? Why hasn't she been laid off as well pending investigation? Why was the zero tolerance clause of the union book not applied in this case? *She continues to work as of today*

I, Phyllis King, request to file a formal grievance with Union 790, presently known as 1021.

Sincerely,

Phyllis King
Phyllis King 650 353 0371



Over 50,000
Strong and United
In Northern California

350 RHODE ISLAND STREET,
SUITE 100 SOUTH BLDG.
SAN FRANCISCO, CA 94103
415-575-1740
Fax 415-431-6241

DAMITA DAVIS-HOWARD
PRESIDENT

CHRISTAL B. COX
VICE PRESIDENT

SANDRA LEWIS
TREASURER

JOHN MORRISON
SECRETARY

EXECUTIVE BOARD MEMBERS

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MARY SANDERS
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INTERNATIONAL UNION
CWA, CLC

•-E3-3

September 27, 2007

Phyllis King
527 Vista Mar Ave.
Pacifica, CA 94044

Dear Ms. King:

I received your packet of documents related to employment at the Fine Arts Museum of SF and surgery. You asked that a grievance be filed. Unfortunately the time for filing a grievance has expired. The Union or employee must file a grievance within 15 calendar days of the events giving rise to a grievance. Much more time than that has passed since you last worked at the museum. I am afraid there is nothing that I can do for you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Evans".

Don Evans
Worksite Organizer

DE/eas opeiu29/sfl-cio

Dec 31 2007

I met Peter Larson on a chat line wks before Thanksgiving 2006. We exchanged numbers and talked every day. He invited me to visit L.A. and I went. after the holiday I was asked to come down again so I went; and I mentioned that my car was giving me trouble and I would have to get something to drive in the future that would be reliable.

Mr Larson asked if he could help and I said yes! I asked for a loan for a down payment and he sent 5,000 dollars I called and thanked him and purchased a Ford Focus. I revisited him Dec the next following week I could repay him because I was working 2 jobs and it wouldn't be a problem.

Not knowing Dec 17th 2006 I would be assaulted on the job and it would cause me not to work on both.

Mr Larson expressed his delight in helping me to his sister Lois Borthwell in Citrus Heights Ca. She was so overwhelmed with excitement & happiness for her brother she immediately called her son who happens to work for Homeland Security in Palmdale Lancaster Ca; Danny Potter

I was immediately laid off from the Museum (De Young) for investigation and know one told me the reason why. Mc Lacon turned the loan into a gift. He explained to me what he thought his sister did. Even with left shoulder assault I could have worked light duty or modified duty until my MRI was scheduled 6 months later. It was because of the loan.

For over a year my home has repeatedly been visited by F.B.I. agents, Garbage has been thrown in my back yard, a dead mouse has been placed in home, un lawful entry, my phone reception is not good.

Since Dec 31-2006 - Dec 31-2007 my place has been like Grand Central Station.

Phyllis Kice

CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of Los Angeles } ss.

☐ See Attached Document (Notary to cross out lines 1-6 below)

☒ See Statement Below (Lines 1-5 to be completed only by document signer[s], not Notary)

1. I, Peter Larson, being in sound mind, say
2. Phyllis King doesn't have to pay back 5000 dollars
3. loan, because this is a gift from me
4. Peter Larson

5. _____
6. Peter Larson
Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this

4th day of February, 2007, by
Date Month Year

(1) Peter Larson
Name of Signer

☐ Personally known to me

☒ Proved to me on the basis of satisfactory evidence
to be the person who appeared before me (.) (.)
(and

(2) none
Name of Signer

☐ Personally known to me

☐ Proved to me on the basis of satisfactory evidence
to be the person who appeared before me.)

E. Leroy Jones
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

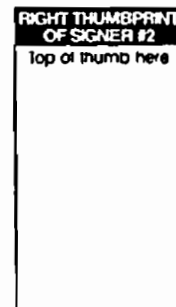
Though the information below is not required by law, it may prove
valuable to persons relying on the document and could prevent
fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Affidavit

Document Date: Feb. 4, 2007 Number of Pages: 1

Signer(s) Other Than Named Above: none



Los Angeles Ca Pacific Ca

Peter Larson — Phyllis Kizer
Made loan 5,000 to as gift

brother

Lois — Citrus
Heights Ca.
Bouthwell

FBI
Called office
in San Francisco

son - Danny Potter
Palmdale Lancaster
Homeland Security